

CITY OF CELINA, TEXAS
ORDINANCE 2022-21
881 N. LOUISIANA
PLANNED DEVELOPMENT #129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS, AMENDING ORDINANCE NO. 2006-57, AS HERETOFORE AMENDED, THE SAME BEING THE COMPREHENSIVE ZONING ORDINANCE, AND AMENDING THE OFFICIAL ZONING MAP OF THE CITY BY DESIGNATING THE ZONING OF LAND THAT IS APPROXIMATELY 1.5 ACRES LOCATED IN THE COLLIN COUNTY SCHOOL LAND SURVEY #15, ABSTRACT NO. 170 COLLIN COUNTY, TEXAS, AND GENERALLY LOCATED EAST OF LOUISIANA DRIVE AND APPROXIMATELY 1,570 FEET SOUTH OF FUTURE J. FRED SMITH PARKWAY; AS DESCRIBED IN EXHIBIT "A" AND INCORPORATED HEREIN TO BE REZONED FROM AGRICULTURAL DISTRICT (AG), TO A PLANNED DEVELOPMENT (PD-129) WITH A BASE ZONING OF INDUSTRIAL DISTRICT (I); PROVIDING FOR INCORPORATION OF PREMISES, FINDINGS, AMENDMENT OF ZONING CLASSIFICATION, ZONING DESIGNATION AND DEVELOPMENT REGULATIONS, REVISION OF ZONING MAP, COMPLIANCE; PROVIDING FOR A PENALTY NOT TO EXCEED \$2,000.00 PER OFFENSE AND OTHER ENFORCEMENT MECHANISMS; PROVIDING CUMULATIVE REPEALER, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR PUBLICATION; PROVIDING FOR ENGROSSMENT AND ENROLLMENT; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Celina is a home rule municipality located in Collin and Denton County, Texas created in accordance with the provisions of the Texas Local Government Code, The Texas Constitution and operating pursuant to the enabling legislation of the state of Texas; and

WHEREAS, the City Council of the City of Celina, Texas (the "City Council") is empowered under Local Government Code 54.001 to do all acts and make all regulations which may be necessary or expedient for the promotion of the public health, safety and general welfare; and

WHEREAS, Section 211.003 of the Texas Local Government Code, empowers a municipality to, among other things, establish and amend zoning districts, classifications of land use, adopt a comprehensive plan to regulate the use of land and open spaces, adopt and amend zoning regulations, regulate population density, and regulate the use and location of buildings; and

WHEREAS, the establishment of a zoning classification has been requested for the property more specifically described in Exhibit "A" and depicted in Exhibit "B", attached hereto and incorporated as though fully set forth herein (the "Property"); and

WHEREAS, the Development Regulations, set forth in Exhibit "C," attached hereto and incorporated herein, define the base zoning districts, and provide for certain modifications to such district regulations.

WHEREAS, the City Council has considered, among other things, the character of the property and its suitability for particular uses, with a view of encouraging the most appropriate use of land in the City, and is in the interest of public health, safety, and welfare, and does hereby find that the requested zoning accomplishes such objectives and is consistent with the provisions of the Celina 2040 Comprehensive Plan of the City of Celina; and

WHEREAS, the Planning and Zoning Commission of the City of Celina and the City Council of the City of Celina, in compliance with the laws of the State of Texas and the ordinances of the City of Celina, have given the requisite notices by publication and otherwise, and have held public hearings and afforded a full and fair hearing to all property owners generally and to all persons interested in and situated in the affected area and in the vicinity thereof; and

WHEREAS, the City Council, in the exercise of its legislative discretion has concluded that the zoning classification on the tract of land described herein should be changed and the zoning map so amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CELINA, TEXAS

SECTION 1
INCORPORATION OF PREMISES

The above and foregoing premises are true and correct and are incorporated herein and made a part hereof for all purposes.

SECTION 2
FINDINGS

After due deliberations the City Council has concluded that the adoption of this Ordinance is in the best interest of the City of Celina, Texas and of the public health, safety and welfare.

SECTION 3
AMENDMENT OF ZONING CLASSIFICATION

That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City's Comprehensive Zoning Ordinance, is hereby amended to establish the zoning classification for the Property as "PD" Planned Development District No. 129 and is subject to the following PD regulations, which exhibits are incorporated as if fully set forth herein:

Exhibit B:	Depiction of Property
Exhibit C:	Development Regulations

SECTION 4
ZONING DESIGNATION AND DEVELOPMENT REGULATIONS

That Ordinance No. 2006-57 of the City of Celina, Texas, as heretofore amended, the same being the City's Comprehensive Zoning Ordinance, is hereby amended by designating the zoning on the land, described in Exhibit "A" and depicted in Exhibit "B" attached hereto and incorporated herein as PD No. 129, and incorporates the Development Regulations, attached hereto as Exhibit "C".

SECTION 5
REVISION OF ZONING MAP

That the City Manager for the City of Celina is hereby directed to mark and indicate on the official Zoning District Map of the City the zoning change herein made.

SECTION 6
COMPLIANCE REQUIRED

That the property described on Exhibit "A" and depicted in Exhibit "B" hereto shall be used only in the manner and for the purposes provided for in this ordinance and the Comprehensive Zoning Ordinance,

of the City of Celina as amended.

SECTION 7 **PENALTY**

7.01 Any person, firm or corporation violating any of the provisions or terms of this ordinance or of the Code of Ordinances as amended hereby, shall be subject to the same penalty as provided for in the Code of Ordinances of the City of Celina, and upon conviction shall be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense.

7.02 If the governing body of the City of Celina determines that a violation of this Ordinance has occurred, the City of Celina may bring suit in district court to enjoin the person, firm, partnership, corporation, or association from engaging in the prohibited activity.

SECTION 8 **CUMULATIVE REPEALER CLAUSE**

This Ordinance shall be cumulative of all other Ordinances and shall not repeal any of the provisions of such Ordinances except for those instances where there are direct conflicts with the provisions of this Ordinance. Ordinances, or parts thereof, in force at the time this Ordinance shall take effect and that are inconsistent with this Ordinance are hereby repealed to the extent that they are inconsistent with this Ordinance. Provided however, that any complaint, action, claim or lawsuit which has been initiated or has arisen under or pursuant to such other Ordinances on this date of adoption of this Ordinance shall continue to be governed by the provisions of such Ordinance and for that purpose the Ordinance shall remain in full force and effect.

SECTION 9 **SAVINGS CLAUSE**

All rights and remedies of the City of Celina, Texas are expressly saved as to any and all violations of the provisions of any other ordinance affecting zoning regulation which have secured at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances same shall not be affected by this Ordinance but may be prosecuted until final disposition by the court.

SECTION 10 **SEVERABILITY**

The provisions of the Ordinance are severable. However, in the event this Ordinance or any procedure provided in this Ordinance becomes unlawful, or is declared or determined by a judicial, administrative or legislative authority exercising its jurisdiction to be excessive, unenforceable, void, illegal or otherwise inapplicable, in whole or in part, the remaining and lawful provisions shall be of full force and effect and the City shall promptly promulgate new revised provisions in compliance with the authority's decisions or enactment.

SECTION 11 **PUBLICATION CLAUSE**

The City Secretary of the City of Celina is hereby directed to publish in the Official Newspaper of the City of Celina the Caption, and Effective Date of this Ordinance as required by Section 52.013 of the Local Government Code.

SECTION 12
ENGROSSMENT AND ENROLLMENT

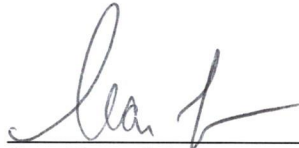
The City Secretary is hereby directed to engross and enroll this Ordinance by copying the descriptive Caption in the minutes of the City Council and by filing this Ordinance in the Ordinance records of the City.

SECTION 13
EFFECTIVE DATE

This Ordinance shall become effective from and after its date of passage and publication as required by law.

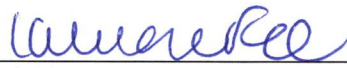
AND IT IS SO ORDAINED.

PASSED AND APPROVED by the City Council of the City of Celina, Texas this 15th day of March 2022.



Sean Terry, Mayor
City of Celina, Texas

ATTEST:


Vicki Tarrant, City Secretary
City of Celina, Texas

[SEAL]



APPROVED AS TO FORM:

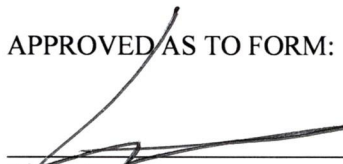

City Attorney
City of Celina, Texas

Exhibit A
Legal Description

SITUATED in the City of Celina, in the Collin County School Land Survey, Abstract No. 170 of Collin County, Texas and being that same called 1.459 acres of land described in a Warranty Deed With Vendor's Lien to Roy Perrin and Sandra Perrin, dated April 27, 2007 and recorded in Document No. 20070430000576310, Deed Records, Collin County, Texas (D.R.C.C.T.) and being more particularly described by metes & bounds as follows:

BEGINNING at a 1/2 inch iron rod found for the northeast corner of the above described Perrin tract, on the west right-of-way line of the Burlington Northern & Santa Fe Railroad (100' wide right-of-way) and said point also being the southeast corner of Lot 1, Block 1 of Staley Addition, an addition to the City of Celina, according to the Final Plat thereof, recorded in Volume 2018, Page 863, Plat Records, Collin County, Texas (P.R.C.C.T.);

THENCE: South 12 deg. 30 min. 00 sec. West (Reference Bearing), along the common line of said Perrin tract and said railroad, a distance of 227.47 feet to a 5/8 inch iron rod, topped with an orange plastic cap, stamped "Brennan 5560", found for the southeast corner of said Perrin tract and same being the northeast corner of MacElroy Development, an addition to the City of Celina, according to the plat thereof, recorded in Volume 2006, Page 158, P.R.C.C.T.;

THENCE: South 89 deg. 05 min. 33 sec. West, departing from said railroad, along the common line of said Perrin tract and said MacElroy Development, at a distance of 201.94 feet, passing a 5/8 inch iron rod, topped with an orange plastic cap, stamped "Brennan 5560", found for the northwest corner of said MacElroy Development and same being on the east line of that certain 0.499 acres of right-of-way, dedicated by the above described MacElroy Development plat and continuing along the south line of said Perrin tract for a total distance of 261.61 feet to a mag nail with a steel washer, stamped "RPLS 4701", set for the southwest corner of said Perrin tract, in the center of N. Louisiana Drive (a.k.a Business Hwy. 289 – no right-of-way width or record found) and said point also being on the east line of that certain tract of land described in a deed to Dorothy Stambaugh and Lewis Dickerson, recorded in Volume 1366, Page 589 and Document No. 20100510000463340, D.R.C.C.T.;

THENCE: North 00 deg. 02 min. 25 sec. West, with the center of said N. Louisiana Drive and along the common line of said Perrin tract and Stambaugh tract, a distance of 222.71 feet to a mag nail with a steel washer, stamped "RPLS 4701", set for the northwest corner of said Perrin tract;

THENCE: North 89 deg. 21 min. 14 sec. East, departing from said N. Louisiana Drive, along the north line of said Perrin tract, at a distance of 37.47 feet, passing a 1/2 inch iron rod found for the southwest corner of a 5,634 square foot right-of-way parcel dedicated by the above described plat of Lot 1 Block 1, Staley Addition, at a distance of 56.7 feet, passing the southeast corner of said right-of-way dedication and the southwest corner of said Lot 1, Block 1 and continuing along the common line of said Perrin tract and said Lot 1, Block 1 for a total distance of 310.99 feet to the POINT OF BEGINNING and containing 63,571 square feet or 1.459 acres of land.

Exhibit B
Depiction of Property



Exhibit C

Development Regulations

The property is zoned Planned Development, with a base zoning of Industrial (I), which is limited to light industrial, manufacturing, heavy commercial, contractor yard, and employment type land uses, where unclean or heavy industrial land uses require additional approval through the SUP or PD process.

The subject property shall conform to all standards in the Zoning Ordinance, Subdivision Ordinance, and all other applicable City Ordinances, as may be amended. At time of expansion or use of the outside yard for any storage, the following conditions apply:

1. The existing metal building shall install a minimum 4' brick or stone wainscot on the front façade.
2. A 60' wide ROW dedication is required at time of platting, or when requested by the City via separate instrument.
3. Screening options along Business-289 frontage include the following:
 - 6' masonry wall
 - Composite, Trex, or enhanced wooden privacy fence (6' cedar, board-on-board with a decorative cap) with masonry columns
 - Decorative tubular steel (i.e. wrought iron) or industrial steel (comparable to Design Master) fencing with opaque evergreen screening with masonry columns
 - Non-ROW frontages do not require masonry columns nor associated evergreen landscaping
 - No R-panels, pipe rail, or chain link would be allowed